



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**AUG 08 2013**

William Bridgeo, City Manager  
City of Augusta  
City Center  
16 Cony Street  
Augusta, Maine 04330

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)  
Former American Tissue Paper  
54 Maple Street / Augusta, Maine

Dear Mr. Bridgeo:

This is in response to the Notification<sup>1</sup> by the City of Augusta (the City) for approval of a PCB cleanup and disposal plan to address PCB-contaminated soil and concrete/asphalt at the former American Tissue Paper property located at 54 Maple Street in Augusta, Maine. Specifically, PCBs were identified in soils and concrete/asphalt located along former Building 14 and the former Waste Water Treatment Plant (together, "the Site") at concentrations that exceed the allowable PCB levels for unrestricted use under the federal PCB regulations at 40 CFR § 761.61(a).

In its Notification, the City is proposing to remove the PCB-contaminated soils and concrete/asphalt with greater than or equal to ( $\geq$ ) 1 part per million (ppm) and to dispose of these wastes as a less than ( $<$ ) 50 ppm PCB waste at a state-approved landfill in accordance with § 761.61(a)(5)(i)(B)(2)(ii). Post excavation sampling will be conducted in accordance with Subpart O to verify that remaining PCB concentrations are less than or equal to ( $\leq$ ) 1 ppm.

With exception of the characterization sampling for off-site disposal, the PCB cleanup and disposal plan detailed in the Notification is consistent with the requirements for cleanup and disposal of *PCB remediation waste* under § 761.61(a). Based on the property history and the characterization data, EPA has determined that the alternative characterization sampling

<sup>1</sup> Information was submitted by Summit Environmental Consultants, Inc. on behalf of the City of Augusta to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated August 15, 2012 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); April 10, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); July 12, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); July 30, 2013 (emails contact information, property acquisition date, and Response to EPA Comments); and, July 30, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste). These submissions will be referred to as the "Notification."

is sufficient for off-site disposal of the waste and that this disposal will not create an unreasonable risk to public health or the environment based on the alternative sampling. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

The City may proceed with its PCB cleanup in accordance with 40 CFR §§ 761.61(a) and (c); its Notification; and this Approval, subject to the conditions of Attachment 1.

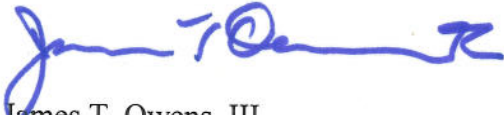
Please be aware that this Approval does not release the City from the cleanup requirements related to PCBs or other [non-PCB] contaminants, including any requirements under the Maine Department of Environmental Protection (MEDEP) regulations.

Questions and correspondence on this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code: OSRR07-2  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens, III  
Director, Office of Site Remediation & Restoration

cc: John Cressey, Summit Environmental  
AmyJean McKeown, EPA Brownfields  
Tracy Kelly, MEDEP Brownfields  
File

Attachment 1: Approval Conditions

**ATTACHMENT 1:**

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS  
CITY OF AUGUSTA – AMERICAN TISSUE MILL PROPERTY  
54 MAPLE STREET (“the Site”)  
AUGUSTA, MAINE**

**GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* identified in the Notification<sup>1</sup> and located at the Site. Specifically, this Approval addresses *PCB remediation waste* (i.e., soil and concrete/asphalt) as identified on Figure 10 of the submittal as revised July 30, 2013.
2. The City of Augusta (the City) shall conduct on-site activities in accordance with the conditions of this Approval and the Notification.
3. In the event that the activities described in the Notification differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA within twenty-four (24) hours for direction on sampling and cleanup requirements.
6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within twenty-four (24) hours of having or receiving the information.

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<sup>1</sup> Information was submitted by Summit Environmental Consultants, Inc. on behalf of the City of Augusta to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated August 15, 2012 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); April 10, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); July 12, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste); July 30, 2013 (emails contact information, property acquisition date, and Response to EPA Comments); and, July 30, 2013 (Plan for Self-Implementing Cleanup of PCB Remediation Waste). These submissions will be referred to as the “Notification.”

7. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.
8. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt of this Approval.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 1 business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following:
  - a. a certification signed by its selected contractor(s), stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
  - b. a contractor work plan, prepared and submitted by the selected contractor(s) describing the air monitoring that will be employed during soil removal activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated. The City and its contractor(s) shall incorporate any changes EPA deems necessary to comply with the conditions of this Approval and the PCB Regulations at 40 CFR Part 761; and,
  - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

### **REMEDIAL AND DISPOSAL CONDITIONS**

12. The cleanup level for *PCB remediation wastes* (e.g., soil and concrete) shall be less than or equal to ( $\leq$ ) 1 part per million (ppm). Samples shall be collected on a bulk basis (i.e., mg/kg) and reported on a dry-weight basis.

- a. Soil verification sampling shall comply with 40 CFR Part 761, Subpart O; samples shall be collected from the excavation bottom and sidewalls, as applicable.
  - b. *Porous surfaces* (e.g., concrete) verification sampling as applicable, shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and in accordance with Subpart O. Sample results shall be reported on a dry-weight basis.
13. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40 and § 761.45; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

#### **INSPECTION, MONITORING, MODIFICATION AND REVOCATION CONDITIONS**

15. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

19. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including, but not limited to, the records required by Subparts J and K. The City shall maintain a written record of the cleanup and the analytical sampling for activities conducted under this Approval. All records shall be made available for inspection by authorized representatives of the EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.
20. The City shall submit a Final Completion Report (Report) to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a discussion of the project activities; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; the size of the PCB-contaminated area; and, copies of manifests and certificates of disposal issued by the disposer. The Report shall also include a certification signed by a City official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
21. Required submittals shall be mailed to:  
  
Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mail Code: OSRR07-2  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527
22. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

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**END OF ATTACHMENT 1**